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NOTICE OF ALLOWANCE AND FEE(S) DUE

54071 7590 03/09/2010

YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER

POTTER, WESLEY A

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 03/09/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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I0596,635

03/29/2007

Kinji Asamura

90606.162/YM

862I

TITLE OF INVENTION: MOUNTING STRUCTURE FOR FUEL PUMP OF VEHICLE ENGINE AND VEHICLE INSTALLING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/09/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

54071 7590 03/09/2010

YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,635 03/29/2007 Kinji Asamura 90606.162/YM 8621

TITLE OF INVENTION: MOUNTING STRUCTURE FOR FUEL PUMP OF VEHICLE ENGINE AND VEHICLE INSTALLING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/09/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
POTTER, WESLEY A	3611	280-835000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,635	03/29/2007	Kinji Asamura	90606.162/YM	8621
54071	7590	03/09/2010	EXAMINER	
YAMAHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191			POTTER, WESLEY A	
			ART UNIT	PAPER NUMBER
			3611	
			DATE MAILED: 03/09/2010	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 234 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 234 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/596,635

Examiner

WESLEY POTTER

Applicant(s)

ASAMURA ET AL.

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination and amendment filed December 24, 2009.
2. ☒ The allowed claim(s) is/are 11,13,15-17,21 and 22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/W. P./
Examiner, Art Unit 3611

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Funk on February 26, 2010.

The application has been amended as follows:

The claims are amended as follows:

Claims 1-10 (canceled).

Claim 11 (currently amended): A mounting structure for a fuel pump of a vehicle engine, the mounting structure comprising:

a fuel pump assembly including a cylindrical pump body and a filter coupled with a suction end of the pump body;

a fuel tank arranged to straddle a body frame of a vehicle;

a housing enclosing the cylindrical pump body, a flange section of the housing arranged to abut an outside area surrounding an opening in the fuel tank; and

a mounting plate arranged to cover the flange section on an outside of the fuel tank, the fuel pump assembly arranged to be fixed to the opening through the mounting plate and the flange section ; and

Art Unit: 3611

a fuel pipe including a first end with which the cylindrical pump body is coupled, a trunk portion of the fuel pipe bending toward the filter, and a second end with which the filter is coupled, wherein a fuel flow direction in the cylindrical pump body and a fuel flow direction in the filter are opposite to each other; wherein

an axis of the cylindrical pump body extends generally parallel to a mounting surface of the mounting plate;

the cylindrical pump body and the filter are arranged to overlap each other ~~in a first direction corresponding to a plan view of the vehicle;~~

the opening is arranged in a side wall surface of the fuel tank, the mounting plate is attached to the opening of the side wall surface of the fuel tank, wherein the opening has an elliptical shape, and a longitudinal axis of the opening extends generally horizontally and generally parallel to the axis of the cylindrical pump body; ~~and~~

~~the mounting plate and the cylindrical pump body at least partially overlap each other in a second direction corresponding to a lateral side view of the vehicle, the second direction being substantially perpendicular to the first direction.~~

Claim 12 (canceled).

Claim 13 (previously presented): The mounting structure for a fuel pump of a vehicle engine according to Claim 11, wherein the filter is disposed below the cylindrical pump body.

Claim 14 (cancelled): ~~The mounting structure for a fuel pump of a vehicle engine according to~~

Art Unit: 3611

~~Claim 11, wherein the opening has an elliptical shape, and a longitudinal axis of the opening extends generally horizontally and generally parallel to the axis of the cylindrical pump body.~~

Claim 15 (previously presented): The mounting structure for a fuel pump of a vehicle engine according to Claim 11, further comprising a fuel passage, wherein the fuel passage includes the filter, the cylindrical pump body, and the fuel pipe through which fuel flows from the filter to the cylindrical pump body, wherein a portion of the fuel passage is arranged so as to overlap another portion of the fuel passage.

Claim 16 (previously presented): The mounting structure for a fuel pump of a vehicle engine according to Claim 11, wherein the cylindrical pump body and the filter are spaced apart from each other in a direction normal to the axis of the cylindrical pump body.

Claim 17 (currently amended): A mounting structure for a fuel pump of a vehicle engine, the mounting structure comprising:

- a fuel tank arranged to straddle a body frame of a vehicle; ~~and~~

- a fuel pump assembly to be arranged within an inner space of the fuel tank, the fuel pump assembly including a mounting plate arranged to mount the fuel pump assembly onto the fuel tank, the fuel pump assembly further including:

- a cylindrical pump body;

- a filter attached to the cylindrical pump body;

Art Unit: 3611

an opening arranged in a side surface of the fuel tank, wherein the opening has an elliptical shape, and a longitudinal axis of the opening extends generally horizontally and generally parallel to the axis of the cylindrical pump body;

a housing enclosing the cylindrical pump body, a flange section of the housing arranged to abut an outside area surrounding the opening in the fuel tank, and the mounting plate extending[[s]] over the flange section to fix the flange section to the fuel tank; and

a fuel pipe including a first end with which the cylindrical pump body is coupled, a trunk portion of the fuel pipe bending toward the filter, and a second end with which the filter is coupled, wherein a fuel flow direction in the cylindrical pump body and a fuel flow direction in the filter are opposite to each other; wherein

the cylindrical pump body is arranged such that an axis of the cylindrical pump body extends along a mounting surface of the mounting plate;

the filter is arranged such that at least a portion of the filter is spaced away from the cylindrical pump body in a radial direction of the cylindrical pump body;

the mounting plate is attached to the opening of the side surface of the fuel tank;

~~the mounting plate and the cylindrical pump body at least partially overlap each other in a first direction corresponding to a lateral side view of the vehicle; and~~

the cylindrical pump body and the filter are arranged to overlap each other ~~in a second direction corresponding to a plan view of the vehicle, the second direction being substantially perpendicular to the first direction.~~

Art Unit: 3611

Claim 18 (canceled).

Claim 19 (canceled).

Claim 20 (cancelled): ~~The mounting structure for a fuel pump of a vehicle engine according to Claim 17, wherein the opening has an elliptical shape, and a longitudinal axis of the opening extends generally horizontally and generally parallel to the axis of the cylindrical pump body.~~

Claim 21 (previously presented): A vehicle comprising the mounting structure for a fuel pump according to Claim 11.

Claim 22 (previously presented): A vehicle comprising the mounting structure for a fuel pump according to Claim 17.

Claim 23 (cancelled): ~~The mounting structure for a fuel pump of a vehicle engine according to Claim 11, wherein the mounting plate and the cylindrical pump body substantially overlap each other in the second direction corresponding to the lateral side view of the vehicle.~~

Claim 24 (cancelled): ~~The mounting structure for a fuel pump of a vehicle engine according to Claim 17, wherein the mounting plate and the cylindrical pump body substantially overlap each other in the first direction corresponding to the lateral side view of the vehicle.~~

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WESLEY POTTER whose telephone number is (571)270-7818. The examiner can normally be reached on Monday-Thursday 9:30-5:00, Alternate Fridays 9:30-4:00.

Art Unit: 3611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. P./
Examiner, Art Unit 3611

/LESLEY D MORRIS/
Supervisory Patent Examiner, Art Unit 3611